REMARKS

Claims 9, 10, 12 and 13 are objected to as indicated.

Claims 4, 5, 6, 9-11, 14, 15, 17-25, 27, 28, 29, and 33-35 are rejected under 35 USC 112, second paragraph, for alleged indefiniteness.

Claims 1-36 are rejected under 35 USC 103(a) as being unpatentable over Ferguson (US Patent No. 5,256,863) in view of Nordenstam (WO 00/46959).

In accordance with the foregoing, the specification is amended, the claims have been amended, and thus, pending claims remain for reconsideration which is respectfully requested. No new matter has been added in this Amendment.

The objections and rejections are traversed.

CLAIM OBJECTIONS

According to the foregoing, the claims are amended taking into consideration the Examiner's comments. Withdrawal of the claim objections is respectfully requested.

35 USC 112, SECOND PARAGRAPH, REJECTION

According to the foregoing, the claims are amended taking into consideration the Examiner's comments. Regarding the Examiner remarks that the language "a processor executing ..." is allegedly directed to a process, Applicant respectfully disagree, because the claims are directed to an apparatus that includes a processor (i.e., a controller) that executes program instructions (software) performing the claimed operations. Further, the claims do not recite intended use of a device, but the claims recite apparatus actions or operations, which can be recited functionally as suggested by MPEP 2173.05(g). Accordingly, all of the claims are directed to a "machine" that performs the claimed operations. In other words, the features of the claimed embodiments are recited functionally, as acknowledged by the Office Action page 2, item 3, however, computer implemented embodiments distinguish over the prior art in terms of function. MPEP 2173.05(g) provides "A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used." The claimed embodiments are directed to a computer system performing claimed patentably distinguishing actions/operations.

According to the foregoing, the phrase "processor" is changed to "controller." For example, the present application paragraphs 5, 121, 583 and FIGS. 1 and 57 support the claim amendments.

Accordingly, withdrawal of the 35 USC 112, second paragraph, rejection is respectfully requested.

35 USC 103 PRIOR ART REJECTIONS

The independent claim is 1. According to the foregoing, independent claim 1 is amended. For example, the present Application paragraphs 199+, 243 (523) (Private Identification Entry), 239-259, 474-503, and FIGS. 57-63 support the claim amendments. Paragraphs 181-187 support dependent claim 9 amendments.

A prima facie case of obviousness cannot be established based upon Ferguson and Nordenstam, because as acknowledged by the Examiner, Ferguson does not describe a wireless network for a purchase transaction. Further, Ferguson's universal system controller 10 merely receives point of sale (POS) information (column 7, lines 21-29), but Ferguson fails to expressly or implicitly describe the claimed secure transaction server executing a Secure Transaction Protocol based upon "a symmetric agreement verification protocol as a Secure Transaction Protocol verifying a purchase transaction between the merchant and the consumer."

Nordenstam describes a mobile terminal for a purchase transaction, however, even if one combined Nordenstam with Ferguson, the combined system would not achieve the claimed embodiment and there is no evidence one skilled in the art would modify Nordenstam to provide the claimed "wherein the consumer device, merchant device and ~~secure transaction server~~ STS device each comprise a controller ~~are capable of~~ executing ~~as a Secure Transaction Protocol~~ over the open and non-secure wireless communication channel, a symmetric agreement verification protocol as a Secure Transaction Protocol verifying a purchase transaction between the merchant and the consumer based upon both a first input parameter and a second stored parameter of the consumer mobile device identifying the consumer to the STS device," and seen a benefit of a mobile device not storing or transmitting any user identifiable information for conducting a secure purchase transaction, since the claimed first parameter is input and not stored in the mobile device, and the first parameter is not transmitted by using the symmetric agreement verification protocol based upon the first input parameter. This is because Nordenstam describes providing virtual service cards in the mobile device (Nordenstam pages 8-9, FIG. 2), which involves storing user identifying information in the mobile device, such as

card number, expiry date, cardholder and card issuer (Nordenstam page 10, lines 1-3). See the present Application paragraph 474 and 487.

Further, Nordenstam page 25+ describes security schemes using private key of card issuer to encrypt the virtual service card information, using transaction numbers, using PIN code/biometric codes to access information on the mobile device, public-private key, and the SET protocol for information confidentiality, payment information integrity and merchant/cardholder authentication. However, in contrast to Nordenstam's security levels, the embodiments provide " executing ~~as a Secure Transaction Protocol~~ over the open and non-secure wireless communication channel, a symmetric agreement verification protocol as a Secure Transaction Protocol verifying a purchase transaction between the merchant and the consumer based upon both a first input parameter and a second stored parameter of the consumer mobile device identifying the consumer to the STS device," in which the consumer is identified to the secure transaction server based upon first input parameter at the mobile device (i.e., not stored in the mobile device) and a second stored parameter.

In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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